

REMARKS/DISCUSSION OF ISSUES

Claims 1-14 are pending in the application. Claims 1-5 and 8-13 are rejected. Claims 6, 7 and 14 are objected to.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the reference sign 10 for 'a primary color identification system 10', first appearing at page 6, line 5 of the specification.

Enclosed herewith is a corrected drawing sheet labeled 'Replacement Sheet' in compliance with 37 CFR 1.121(d), which includes the sign '10' with reference to the primary color identification system shown in FIG. 1. Accordingly, the objection to the drawings has been overcome and should be withdrawn.

The specification disclosure is objected to because of a typographical error at page 2, line 6, and other typographical errors.

The specification has been carefully reviewed for errors and is amended to correct these errors. Accordingly, the objection to the specification disclosure has been overcome and should be withdrawn.

Claim 2 is rejected under 35 USC 112, first paragraph, as non-enabling in that the specification does not provide support for the processor's capability of generating test signals.

Claim 2 is presently amended to change the term 'generates' in line 2 to 'estimates'. Support for this amendment may be found, for example, at page 8, line 14 (third full paragraph, line 2) and page 12, line 11 (second full paragraph, line 1).

Accordingly, the rejection of claim 2 under 35 USC 112, first paragraph, has been overcome and should be withdrawn.

Claim 9 is rejected under 35 USC 112, second paragraph, as being indefinite in that it is unclear what steps a) and b) are.

Claim 9 is currently amended to label the first two steps of the claim as steps a) and b), respectively, and the repetition of steps a) and b) as step c). The final step of claim 9 is labeled step d).

The paragraph bridging pages 4 and 5 of the specification is currently amended to provide labeling of the method steps consistent with that now found in claim 9.

Accordingly, the rejection of claim 9 under 35 USC 112, second paragraph, has been overcome and should be withdrawn.

Claims 1-5, 9, 11 and 12 are rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 6,127,783 to Pashley et al. (herein 'Pashley').

Applicant's Claim 1 calls for, *inter alia*, a filter located to receive the combined light from the red, green and blue LEDs, the filter configured to provide signals corresponding to each of the red, green and blue LEDs, the signals representative of the chromaticity coordinates of the combined light.

In contrast, Pashley does not mention filters in connection with his invention. The only mention of filters is in connection with the prior art. In this regard, it is stated at col. 1, line 38:

It would further be desirable to automatically control the chromaticity without resorting to a spectrally resolving light measuring system such as a photodiode and filter for each of the respective colors.

Thus, instead of teaching the use of filters, as urged by the Examiner, Pashley actually teaches away from the use of such filters.

Applicant's claim 9 calls for, *inter alia*, setting the intensity of each red, green and blue light source at a specified test level.

In contrast, Pashley does not call for setting the intensity of any light source at a test level. The Examiner has argued that Pashley teaches that the user can set the intensity values through a user interface, citing col. 2, lines 45-48 of the reference. This is true. However, the intensity values set by the user are desired settings to achieve a desired color balance for use, not test levels. See col. 1, lines 59 and 63; and col. 2, lines 47 and 49.

Applicant's claim 9 also calls for measuring the color chromaticity of the combined light, repeating the steps of setting test levels and measuring the chromaticity of the combined light for each set of test levels, and then measuring primary color chromaticity of each of the red, green and blue light sources.

In contrast, Pashley does not teach measuring the chromaticity of the combined light resulting from selected test levels, nor does he repeat the steps of setting test levels and measuring the chromaticity of the combined light resulting from the test levels. Pashley merely measures chromaticity by measuring the light output of each color separately (col. 1, lines 45-50) and then compares the measurements to desired outputs, and adjusts the intensity accordingly (col. 1, lines 58-61).

Accordingly, independent claims 1 and 9, as well as dependent claims 2-5, 11 and 12, by virtue of their direct or

indirect dependency on claims 1 and 9, are not anticipated by Pashley, and the rejection is in error and should be withdrawn.

Claim 1 is rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. 6,510,995 B2 to Muthu et al. (herein 'Muthu').

Muthu discloses a device for controlling and adjusting a display light for a retail display to optimally display particular products.

Muthu discloses a light sensor 40, as shown in Fig. 1, to sense the light output of an array of red, green and blue LEDs. The light output values are fed back to a microprocessor and controller which calculate and maintain the desired lighting characteristic of the combined output of the red, green and blue LEDs.

The characteristics of the light sensor 40 are not specified. The light source is merely described as 'suitable'. See col. 4, line 12. As such, light sensor 40 could sense the combined light output of the LED array, without breaking the signal down into color components. Alternatively, light sensor 40 could sense the light of the individual color components through a sequential arrangement as described by Pashley at col. 1, line 52. In either case, the light sensor would not have the characteristics of a filter. In any event, Muthu fails to teach or suggest anything with regard to the manner of operation of the light sensor 40, nor does he teach or suggest anything relating to the use of filters in general.

Muthu thus fails to teach or suggest a filter to receive the combined light of the array, and then to provide signals corresponding to each of the red, green and blue LEDs, as called for by Applicant's claim 1.

Accordingly, claim 1 is not anticipated by Muthu, and the rejection is in error and should be withdrawn.

Claims 10 and 13 are rejected under 35 USC 103(a) as being unpatentable over Pashley in view of U.S. Patent No. 4,256,131 to De Remigis (herein 'De Remigis').

De Remigis discloses the use of a tristimulus filter to measure chromaticity. However, De Remigis is not measuring the chromaticity of a light source composed of red, green and blue LEDs set at selected test levels, but rather is measuring light reflected by a dyed surface. Moreover, the light source for such reflected light is not composed of red, green and blue LEDs, but rather is a standard light source having a prescribed spectral distribution. See col. 4, lines 53 and 54.

As already pointed out above, Pashley does not teach setting the intensity of red, green and blue LEDs at test levels, and then measuring the chromaticity of the combined light.

Accordingly, it would not be obvious over Pashley in view of De Remigis to use a tristimulus filter to measure the chromaticity of such combined light directly from the red, green and blue sources, as required by claim 10, and to calculate the chromaticity using the equations set forth in claim 13.

Thus, the rejection of claims 10 and 13 over Pashley in view of De Remigis is in error and should be withdrawn.

Claim 8 is rejected under 35 USC 103(a) as being unpatentable over Pashley in view of De Remigis.

As already pointed out above, Pashley fails to anticipate Applicant's claimed invention, *inter alia*, because Pashley fails to teach the use of a filter, and in fact, teaches away from the use of filters by making the statement that it would

be desirable to control chromaticity without resort to filters. See col. 1, lines 39-42.

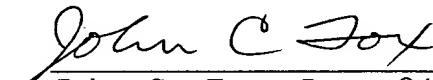
The skilled artisan having before him the teachings of Pashley and De Remigis would not be led by De Remigis to use a tristimulus filter to implement Pashley's invention, since Pashley does not teach or suggest the use of filters.

Accordingly, the rejection of claim 8 over Pashley in view of De Remigis is in error, and should be withdrawn.

The indication that claims 6, 7 and 14 contain allowable subject matter is noted with appreciation. However, in view of the above arguments and amendments, it is felt that all of the pending claims are now in allowable form.

In view of the foregoing, Applicant respectfully requests that the Examiner withdraw the objections and rejections of record, allow all of the pending claims, and find the application to be in condition for allowance.

Respectfully submitted,


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Amendments to the drawing figures:

The attached drawing sheet labeled 'Replacement Sheet' includes proposed changes to FIG. 1 and replaces the original sheet including FIG. 1.

Attachment: Replacement Sheet 1/1